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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,515	02/23/2001	Tetsuro Wada	1900/00021	8620
7590	06/18/2007			
Morris Liss Connolly Bove Lodge & Hutz PO Box 19088 Washington, DC 20036-3425			EXAMINER GRAY, JILL M	
			ART UNIT 1774	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/763,515

Applicant(s)

WADA ET AL.

Examiner

Jill M. Gray

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 15, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 10, 11, 13, 14, 16-21 and 24-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 28, 2007 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-11, 13-14, and 24-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically, claim 10 is indefinite because the language of "said security thread" lacks the proper antecedent basis. The claim sets forth the construction of a thread but does not identify such as a "security thread". In addition, the language of "a label passing through the thread and secured thereto" is indefinite because it is not clear how the label passes through the thread. For example, is the label located between the core member and the cover member of the thread, and thus "passes through" said thread? Also, the language of "secured thereto" is vague and indefinite. It is not clear not the label is secured to the thread. For example, the thread can be

Art Unit: 1774

wrapped around the label or adhered by use of an adhesive. Accordingly, the metes and bounds for which patent protection is being sought are not clear.

Claims 11, 13-14, and 24-27 are indefinite for the reasons set forth above in claim 10. In addition, in claims 25-27, the language of "securement of the label thereon" is vague and indefinite for reasons stated above in claim 10.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 10-11, 13-14, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litman 5,988,500 and 6,053,406 (referred to collectively as Litman '500) as applied in the previous Office Actions, in view of Herzer 5,728,237.

Litman is as set forth in the previous Office Actions and teaches elongated magnetic elements which are inserted into items, wherein the elongated items can be threads, but does not specifically teach a security tag. Herzer teaches that it is known in the art to form security tags using magnetic alloys formed into strips. See abstract, column 3, lines 44-46. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Litman by formed security tags using his elongated magnetic elements, motivated by the teachings of Herzer.

6. Claims 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litman 5,988,500 and 6,053,406 (collectively referred to as Litman '500), in view of Dames et al, 5,614,824 (Dames), as applied in the previous Office Actions, further in view of Herzer 5,728,237, as applied above.

Litman and Dames are as applied in the previous Office Action. Herzer is as applied above and would have provided motivation to the skilled artisan to modify the teachings of Litman to form a security tag.

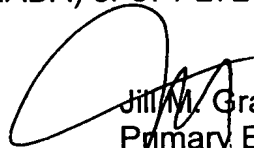
Allowable Subject Matter

7. Claims 12, 15, and 22-23 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill M. Gray whose telephone number is 571-272-1524. The examiner can normally be reached on M-Th and alternate Fridays 10:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jill M. Gray
Primary Examiner
Art Unit 1774